REMARKS

Applicant has reviewed and considered the Office Action dated October 17, 2005 and the cited references therein. Claims are amended to conform with the U.S. claim format without introducing new issues. Claims 1-10 are pending in the present application.

Rejections Under 35 U.S.C. § 103

Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung (U.S. Publication No. 2003/0184858) in view of Nakamoto (U.S. Patent No. 5,121,220). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung (U.S. Publication No. 2003/0184858) in view of Nakamoto (U.S. Patent No. 5,121,220) as applied to claim 1 above, and further in view of Lee (U.S. Patent No. 6,542,297). Applicant respectfully traverses the rejections for at least the following reasons.

Claim 1 recites a flip-flop diagonal with variable viewing angles, comprising a housing body; an eyepiece adapter unit; a reflective mirror unit; wherein the housing body has a cylindrical sleeve for mounting the diagonal to a telescope; wherein the eyepiece adapter unit includes an eyepiece adapter and an eyepiece support frame, the eyepiece adapter is fixed on the eyepiece support frame, the eyepiece support frame is pivotably mounted on the housing body, thereby capable of changing the view angles by rotating the eyepiece adapter between different positions; and wherein the reflective mirror unit includes a reflective mirror, a mirror support bracket and rotary shafts, the reflective mirror is mounted in the mirror support bracket, and the mirror support bracket is pivotally mounted on the eyepiece support frame through the rotary shafts.

Kung discloses an adjusting device for adjusting a projecting direction of a view. More particularly, Kung describes an adjusting device having a reflector pivotally installed in a body case which as an incident hole, first viewing hold and a second viewing hole, and having an adjusting button and a rotary flange installed on the adjusting button, whereby when a user desires to see an outer view, the reflector is driven to rotate to a predetermined angle; and on the contrary, when the user desires to see the outer view from the first viewing hole, the user only needs to restore the adjusting button to the original position (see at least the Abstract). However,

Kung fails to disclose or teach that an eyepiece adapter is fixed on an eyepiece support frame, the eyepiece support frame is pivotably mounted on the housing body, and a mirror support bracket is pivotally mounted on the eyepiece support frame through rotary shafts, as recited in claim 1. In Figures 2 and 8, Kung illustrates a body case 410, a first eyepiece cylinder 440, a second eyepiece cylinder 450, an objective cylinder 460, and an adjusting button 430. But nowhere in Kung does it disclose or teach an eyepiece support frame. As described in Kung, element 414 (as referenced in the Office Action) is a first viewing hole (see page 3, paragraph [0043]), not an eyepiece support frame as recited in claim 1. More specifically, the first eyepiece cylinder 440 is a hollow case with an eyepiece set therein, and one end thereof is connected to a first viewing hole 414, and another end thereof serves for being viewed by the users. The second eyepiece cylinder 450 is a hollow case with an eyepiece set therein, and one end thereof is connected to a second viewing hole 415, and another end thereof serves for being viewed by the users. The objective cylinder 460 is a hollow case. One end of the objective cylinder is connected to an incident hole 413, and another end thereof is connected to a viewing hole 471 of a telescope. In use, the user inspects the telescope from the first eyepiece cylinder 440 by the conventional operational way, or the user rotates the adjusting button 430 to drive the reflector to a predetermined angle so as to operate the telescope from the second eyepiece cylinder 450 (see page 3, paragraphs [0043] to [0046]). Accordingly, Kung does not disclose or teach an eyepiece support frame, let alone discloses or teaches an eyepiece support frame being pivotal to the housing body as recited in claim 1. In addition, Kung fails to disclose or teach a mirror support bracket being pivotally mounted on the eyepiece support frame through rotary shafts as recited in claim 1.

Nakamoto discloses an eyepiece mounting cylinder 22 (i.e. the eyepiece support frame 22 as referenced in the Office Action) and selectable eyepiece barrel 24,25,26. However, Nakamoto still fails to remedy the deficiencies of Kung, i.e. a mirror support bracket being pivotally mounted on the eyepiece support frame 22 through rotary shafts, as recited in claim 1. In addition, nowhere in Nakamoto nor in Kung does it disclose or teach the combination of Kung and Nakamoto. On the contrary, the fact that cut-out 31 and slots 88 (see Figure 11 of Nakamoto) extend axially substantially the length of the eyepiece mounting cylinder 22 with a flexible and resilient tongue 89 therebetween (see column 8, lines 47-55) would suggest away or teach away from having a mirror support bracket (e.g. element 121 in Figure 2 of Kung) being

pivotally mounted on the eyepiece mounting cylinder 22 of Nakamoto through rotary shafts (element 132 of Kung as referenced in the Office Action). As described in Nakamoto, the combination of the slots 88 and the rectangular cut-out 31 act to make the eyepiece mounting cylinder 22 flexible enough to permit the selectable eyepiece housing 23 to be easily rotated about the periphery of the eyepiece mounting cylinder 22, yet resilient enough to hold it in position once it is properly oriented (see column 8, lines 55-61 of Nakamoto). Accordingly, Applicant respectfully submits that the combination of Kung and Nakamoto does not result in claim 1, and thus claim 1 is patentable over the cited references.

Lee also fails to disclose or teach the features discussed above.

Claims 2-10 which are dependent from claim 1 are also patentable for at least the reasons above.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: Jan. 17, 2006

By: 
Min (Amy) S. Xu
Reg. No. 39,536